

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

TIMOTHY WOODS, <i>On Behalf of Himself</i>)	
<i>and all Others Similarly Situated,</i>)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-00583-CV-W-SRB
)	
CAREMARK PHC, LLC, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

On November 5, 2019, a hearing was held before the undersigned on the motion of Named Plaintiffs Timothy Woods and Kimberly Gibson (“Named Plaintiffs”) as the class representatives to approve the Final Settlement reached between the Named Plaintiffs and defendants Caremark PHC, L.L.C., Caremark, L.L.C., and CVS Health Corporation (Defendants). Present for the Named Plaintiffs were class counsel Eric L. Dirks and Michael A. Hodgson. Present for Defendants was counsel James J. Swartz, Jr.

During the hearing class counsel for the Named Plaintiffs represented that the parties had reached a preliminary settlement of \$15,250,000.00 based on the estimated number of class participants at the time and a Final Settlement of \$16,669,155.84 based on the final number of class member participants. Notice of the proposed Final Settlement was sent by mail and email (where an email address was available) to approximately 20,000 class members, of which 12,034 opted to join in the Final Settlement. Only 13 members of the class affirmatively opted to not join the Final Settlement. There was only one informal objection to the Final Settlement which did not rise to the level of a formal objection. Although notice of the Final Settlement approval hearing was specifically provided to the informal objector, no one appeared at the Final

Settlement approval hearing for the purpose of objecting to the Final Settlement.

Class counsel proposed a service award for class representatives in an amount not to exceed 1% of the Final Settlement amount. The attorney's fees for class counsel were originally calculated as one third of the preliminary settlement amount of \$15,250,000.00. Costs for litigation were \$73,817.53. Counsel for the Defendants had no objection to the Final Settlement.

Based on the record before the undersigned, it is

RECOMMENDED that the District Court, after making an independent review of the record, find that the Final Settlement has been well received by the class; is fair, reasonable and adequate; provides an immediate, significant benefit to the class members who affirmatively chose to participate; and ends contested litigation prior to trial.

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within 14 days. If additional time is needed, a motion for an extension of time must be filed within ten days. The motion should state the reasons for the request. See Nash v. Black, 781 F. 2d 665, 667 (8th Cir. 1986) (citing Thomas v. Arn, 474 U.S. 140 (1985); Messimer v. Lockhart, 702 F. 2d 729 (8th Cir. 1983)). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

/s/ JOHN T. MAUGHMER

John T. Maughmer
United States Magistrate Judge